

REMARKS

This Reply is filed in response to the June 22, 2010 Office Action.¹ Claims 1-19 and 21 were presented for examination and were rejected. Claims 1, 7, 13, 18 and 21 are amended. No new matter is added; the amended claims are supported by, and throughout, the application as filed; e.g., see at least paragraphs [0001], [0002], [0006], [0008], [0016], [0030], [0034], [0057], [0062] and [0066]. Claims 1, 7, 13, 18 and 21 are in independent form. Claims 1-19 and 21 are pending.

Claim 1 is objected to for reciting “from said each of said plurality of potential visitors” and has been amended to --from each of said plurality of potential visitors-- per the Examiner’s request in the Office Action, pg 3, although Applicants do not agree that the pre-amended language is objectionable claim language. Rather, in Applicants’ view, the pre-amended language is more precise. Applicants respectfully request that the objection be withdrawn.

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 7 -19 and 21 are rejected under 35 U.S.C. §101 because the claimed inventions are allegedly directed to non-statutory subject matter.

Claims 1-19 and 21 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by newly-cited U.S. Patent No. 7,046,779 B2 to Hesse (hereinafter “Hesse”).

These rejections are respectfully traversed for the following reasons.

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement.

35 U.S.C. §112 Rejections

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Per the Office Action, page 3, "said visitors" should be amended to "said potential visitors." Whether or not this amendment is needed to allow claims 1-17 to meet section 112 requirements, Applicants have amended independent claims 1, 7 and 13 in appropriate places in accordance with the Examiner's request to move the prosecution forward. Applicants respectfully request that the section 112 rejections of independent claims 1, 7 and 13 as well as their respective dependent claims 2-6, 8-12 and 14-17 be withdrawn.

35 U.S.C. §101 Rejections

Claims 7 -19 and 21 are rejected under 35 U.S.C. §101 because the claimed inventions are allegedly directed to non-statutory subject matter.

Independent claims 7, 18 and 21 are method or process claims. The claims have been amended to expressly include at least the phraseology "via operational performance of said computer" in appropriate places in response to the Examiner's request. (Office Action, pg 4) Although Applicants believe that the claims were sufficiently clear about recited steps being performed on a computer prior to this amendment, thereby meeting section 101 requirements, Applicants have nevertheless amended these claims to move the prosecution forward. Applicants respectfully request that the section 101 rejections of independent claims 7, 18 and 21 as well as respective dependent claims 8-12 and 19, be withdrawn.

Independent claim 13 is directed to a computer program product and is rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner takes the position that the claimed computer program product could allegedly

“include signals” and “signals and waves are considered non-statutory subject matter.” (Office Action, pg 4, bottom) The Examiner recommended that the claim be amended to “explicitly state that the computer program product does not transmit (propagate) signals.” (Office Action, pg 5, top) Applicants accomplish the result desired by the Examiner, but choose to do so with different language. The claim has been amended to limit the recited computer program product to a “tangible computer program product” and, accordingly, has eliminated interpretation of such product as embodying signals or waves which are intangible. Applicants respectfully request that the section 101 rejection of claims 13-17 be withdrawn.

35 U.S.C. §102(e) Rejections

Claims 1-19 and 21 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Hesse. Hesse is directed to a “Video Conference System and Methods for Use at Multi-Station Sites.” (Title) Although Hesse does disclose usage of its video conference system with “prisoners” and Applicant’s claims recite “inmate,” Hesse has no further relevance to Applicants’ recited subject matter because Hesse is limited to video conferencing and aspects thereof. Hesse has nothing to do with face-to-face meetings, in person, between a prisoner and visitors attending a visit scheduled to take place with the prisoner at the prison facility.

Applicants believe that the pending claims, prior to the current amendment, were not anticipated by Hesse. For example, in claim 1, Hesse does not disclose or suggest a “visitation” system as recited in claim 1 prior to the current amendment. There is no “visitation” taking place in Hesse because Hesse’s teleconference is not a visit between prisoner and participant, although communication can take place between them. For another example, Hesse does not disclose or suggest activity allowing “a plurality of potential visitors to attend the same visitation” as recited in claim 1 prior to the current amendment, again because a teleconference is

not a visitation. The dictionary definition of visit includes: “to go to see or stay at (a place) for a particular purpose (as business or sightseeing).” (Merriam Webster’s Collegiate Dictionary, Tenth Edition, pg. 1321) Clearly, a visitation between two people requires those people to be physically in the same place at the same time, and the prisoner and participant(s) in Hesse are not in the same place at the same time. Thus, Hesse did not anticipate the subject matter of claim 1 prior to the current amendment.

However, to substantially advance the prosecution of this application, claim 1 now recites, *inter alia*: “means for receiving a visitation request only from an inmate having said visitation privileges for a plurality of potential visitors to attend the same visitation in person with said inmate at a correctional facility in which said inmate is housed, each of said potential visitors being named in said request by said privileged inmate.” (emphasis added) Applicants submit that Hesse does not disclose or suggest the subject matter defined by this language of claim 1. Hesse has nothing to do with setting up a “visitation in person with said inmate at a correctional facility in which said inmate is housed” as recited in claim 1. Hesse teaches multiple sites for locating its video conferencing equipment where people can talk to each other and see each other by way of audio and video conferencing links. (Hesse, Abstract) These people do not get together, in person, face to face, at the prison.

MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claim.” See *Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989).

Clearly, each and every element as set forth in claim 1 is not found, either expressly or inherently described, in Hesse for the reasons given above. Clearly, the subject matter of claim 1, is not shown in any detail in Hesse, much less in as complete detail as is contained in claim 1, for reasons given above. Thus, claim 1 is not anticipated by Hesse and the 35 U.S.C. §102(e) rejection of claim 1 should be withdrawn and the claim allowed.

Dependent claims 2-6, dependent from claim 1 are also allowable, at least for reasons based on their respective dependencies from allowable base claim 1.

Independent claim 7 recites, *inter alia*, “receiving, via operational performance of a computer, a visitation request from a privileged inmate for a plurality of potential visitors to attend the same visitation in person with said privileged inmate within a correctional facility in which said privileged inmate is incarcerated, each of said potential visitors being named in said request by said inmate” and is not anticipated by Hesse for reasons that are the same as, or similar to, those given above for claim 1. The 35 U.S.C. §102(e) rejection of claim 7 should be withdrawn and the claim allowed.

Dependent claims 8-12, dependent from claim 7 are also allowable, at least for reasons based on their respective dependencies from allowable base claim 7.

Independent claim 13 recites, *inter alia*, “receiving a visitation request from a privileged inmate for a plurality of potential visitors to attend the same visitation in person with said privileged inmate at a prison in which said privileged inmate is incarcerated, each of said potential visitors being named in said request by said inmate” and is not anticipated by Hesse for reasons that are the same as, or similar to, those given above for claim 1. The 35 U.S.C. §102(e) rejection of claim 13 should be withdrawn and the claim allowed.

Dependent claims 14-17, dependent from claim 13 are also allowable, at least for reasons based on their respective dependencies from allowable base claim 13.

Independent claim 18 recites, *inter alia*, “receiving, by operational performance of a computer, names of the plurality of potential visitors from a privileged inmate along with a request to provide registration information of all said potential visitors in order to schedule the visit between said all said potential visitors in person with the privileged inmate at a prison in which said inmate is incarcerated” and is not anticipated by Hesse for reasons that are the same as, or similar to, those given above for claim 1. The 35 U.S.C. §102(e) rejection of claim 18 should be withdrawn and the claim allowed.

Dependent claim 19, dependent from claim 18 is also allowable, at least for reasons based on its dependency from allowable base claim 18.

Independent claim 21 recites, *inter alia*, “(b) said privileged inmate providing names and contact information of a plurality of potential visitors to an in-person inmate-visitation, said names and contact information being provided as an input to a computer, thereby obtaining a visitation request” and “(f) one of said at least one of said named potential visitors proposing, by operational performance of said computer, a date and time for said in-person inmate-visitation at a correctional facility in which said inmate is housed for each of said named potential visitors who received a registration number” and is not anticipated by Hesse for reasons that are the same as, or similar to, those given above for claim 1. The 35 U.S.C. §102(e) rejection of claim 21 should be withdrawn and the claim allowed.

CONCLUSION

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and remarks.² Applicant submits that all objections and rejections have been addressed and have been overcome.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,
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² As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.